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March 3, 2006

OK

Susan Paradise Baxter
Chief United States Magistrate Judge
United States District Court
Western District of Pennsylvania
17 South Park Row, Room A280
Erie, PA 16501

Civil Action No. 04-309E
Case Number: 1:04-cv-309
Case Name: Owens v. Moore

Your Honorable Judge Baxter:

I'm writing in response to the Report and Recommendation that my petition be dismissed as untimely.

I filed the first petition on July 7, 2003 on the grounds of New Evidence which was brought to my attention via newspaper article from the Tribune-Democrat of Johnstown, PA. there was no return address on the letter or envelope, I am no longer in possession of the article as I sent it with the first petition. At time of the PCRA that was filed in July of 2003, I was transferred to another facility which may have set the mailing process back somewhat, but not enough to have anything filed untimely.

The petition was denied on September 25, 2003 at which time I filed the Habeas Corpus petition which was in the 1 year time frame, I once again am not filing for relief under the laws of direct appeal, I am filing under new evidence.

I was also contacted by the Federal Defenders Office of Philadelphia in regard to the new evidence, they represented my co-defendent in this case Roger Proctor who is now no longer on death row as a direct result of the new evidence.

Thank you for your time and consideration.

Sincerely,



Dierdre Owens

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CLERK
U.S. DISTRICT COURT